

By the Committee on Finance and Tax; and Senators Altman and Storms

593-04406-09

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1 A bill to be entitled

2 An act relating to homestead assessments; amending s.
3 193.155, F.S.; revising criteria under which transfer
4 of homestead property is not considered a change of
5 ownership; providing construction; providing an
6 effective date.

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8 Be It Enacted by the Legislature of the State of Florida:

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10 Section 1. Subsection (3) of section 193.155, Florida
11 Statutes, is amended to read:

12 193.155 Homestead assessments.—Homestead property shall be
13 assessed at just value as of January 1, 1994. Property receiving
14 the homestead exemption after January 1, 1994, shall be assessed
15 at just value as of January 1 of the year in which the property
16 receives the exemption unless the provisions of subsection (8)
17 apply.

18 (3) (a) Except as provided in this subsection or subsection
19 (8), property assessed under this section shall be assessed at
20 just value as of January 1 of the year following a change of
21 ownership. Thereafter, the annual changes in the assessed value
22 of the property are subject to the limitations in subsections
23 (1) and (2). For the purpose of this section, a change of
24 ownership means any sale, foreclosure, or transfer of legal
25 title or beneficial title in equity to any person, except as
26 provided in this subsection. There is no change of ownership if:

27 1. (a) Subsequent to the change or transfer, the same person
28 is entitled to the homestead exemption as was previously
29 entitled and:

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30 a.1. The transfer of title is to correct an error;

31 b.2. The transfer is between legal and equitable title or
32 equitable and equitable title and no additional person applies
33 for a homestead exemption on the property; or

34 c.3. The change or transfer is by means of an instrument in
35 which the owner is listed as both grantor and grantee of the
36 real property and one or more other individuals are additionally
37 named as grantee. However, if any individual who is additionally
38 named as a grantee applies for a homestead exemption on the
39 property, the application shall be considered a change of
40 ownership;

41 2.(b) Legal or equitable title is changed or transferred
42 ~~The transfer is~~ between husband and wife, including a change or
43 transfer to a surviving spouse or a transfer due to a
44 dissolution of marriage;

45 3.(e) The transfer occurs by operation of law to the
46 surviving spouse or minor child or minor children under s.
47 732.401 s.732.4015; or

48 4.(d) Upon the death of the owner, the transfer is between
49 the owner and another who is a permanent resident and is legally
50 or naturally dependent upon the owner.

51 (b) For purposes of this subsection, a leasehold interest
52 that qualifies for the homestead exemption under s. 196.031 or
53 s. 196.041 shall be treated as an equitable interest in the
54 property.

55 Section 2. This act shall take effect July 1, 2009.